

A-6286 (Variance Request)

Construct a swimming pool that would encroach eight feet, six inches (8'-6") into the fifteen (15) foot rear (south) yard setback.

Mr. & Mrs. Jeffrey Black
4 Quincy Street

**CHEVY CHASE VILLAGE
BOARD OF MANAGERS
MARCH 18, 2013 MEETING**

STAFF INFORMATION REPORT

TO: BOARD OF MANAGERS
FROM: ELLEN SANDS, PERMITTING AND CODE ENFORCEMENT COORDINATOR
DATE: 3/14/2013
SUBJECT: HEARING OF APPEAL CASE NO. A-6286 VARIANCE REQUEST
MR. & MRS. JEFFREY BLACK, 4 QUINCY STREET
CONSTRUCT A SWIMMING POOL THAT WOULD ENCROACH NINE FEET, SIX INCHES (9'-6")
INTO THE FIFTEEN (15) FOOT REAR (SOUTH) YARD SETBACK.

NOTICE REQUIREMENTS: Abutting Owners; Public Notice

APPLICABLE CHEVY CHASE BUILDING REGULATION:

The Chevy Chase Village Code § 8-24 (b)(1) states:

No swimming pool shall be placed within fifteen (15) feet of any side or rear lot line. Such measurement shall be made from the inside wall of the swimming pool.

APPLICABLE COVENANTS:

The covenants applicable to the property do not stipulate a rear yard setback.

FACTUAL AND BACKGROUND INFORMATION:

The house is located on the south side of Quincy Street. It is new house, constructed in 2010.

The house is in the Chevy Chase Village Historic District. The Applicants have not yet received approval from the Historic Preservation Commission (HPC) for construction of the proposed pool.



Figure 1: View of 4 Quincy Street.



Figure 2: View of the rear yard looking west.



Figure 3: View of the rear yard looking northwest.



Figure 4: View of the rear yard looking east.

The proposed pool will not have a pool deck along the south edge, so there is no request for a variance for a pool deck encroachment. (Village regulations stipulate a ten (10) foot side and rear yard setback for pool decks.)

The proposed location of the pool equipment is compliant with Village regulations (which stipulate a seven (7) foot side and rear yard setback for accessory structures.) Pool equipment is not subject to special noise restrictions, however it must comply with the limits of the Montgomery County Noise Ordinance.

There are no tree protection concerns associated with the construction of the pool. The line of evergreens along the south (rear) yard fence, which would be removed if construction of the pool proceeds, are under the threshold for requiring a permit for removal. The Applicants propose to plant shrubbery in that area.

To date there have been three (3) statements, submitted via email, received from abutting or confronting neighbors regarding the project (enclosed).

Note: The initial request for an encroachment of nine feet, six inches (9'-6") was revised when it was determined that a +/- 1' dimension on the rear property line referred to the location of a wall along the property line, not the location of the property line itself. The location of the pool has always been depicted as six feet, six inches (6'-6") north of the property line.

Applicable Fees: Building Permit Application for Swimming Pools: \$750 Variance Application Fee: \$300.00 Total: \$1050.

RELEVANT PRECEDENTS:

Recent precedents for swimming pools that encroach forward of the rear or side yard setbacks include: On May 11, 1987, in Case A-1714.2, Mr. & Mrs. Frank Fowlkes of 40 Grafton Street were granted a variance to **construct** a pool deck eight (8) feet from the east (side) yard property line (under the formerly applicable Section 8-17(d)). On April 23, 1990 Mr. & Mrs. Frank Fowlkes of 5 Chevy Chase Circle were **denied a variance to construct** a brick swimming pool deck that would have been six feet, eight inches (6'-8") from their west property line. On November 30, 2006 Ms. Allison Michaels of 5501 Montgomery Street was **denied a variance to both construct** a swimming pool that would be located ten (10) feet from the south property line **and denied a variance to construct** the swimming pool deck five (5) feet from the south (rear) property line. On July 30, 2010, Ms. Megan Rupp and Mr. Dane Butswinkas were granted permission, due to the unique character of the lot, to **construct** a pool and apron, portions of which were located in forward of the front building lines. On November 23, 2010, Ms. Susan Schmedes and Mr. John Gorman of 45 West Lenox Street, were granted permission to **construct** a swimming pool that would be located five (5) feet from the north (rear) property line. The property abutted the Chevy Chase Club.

FINDINGS REQUIRED:

1. The proposed variance is required because special conditions exist whereby the enforcement of the requirements of the Village Building Code would result in an unwarranted hardship and injustice to the owner.
2. The proposed variance will most nearly accomplish the intent and purpose of the requirements of the Village Building Code; and
3. Except for variances from the requirements of Sections 8-22, 8-26 or Article IV of the Village Regulations, the structure authorized by the proposed variance would not violate any covenant applicable to the property.

Draft Motion

I move to direct staff to draft a decision **APPROVING/DENYING** the variance request in case A-6286, based on the findings that ...

**CHEVY CHASE VILLAGE
NOTICE OF PUBLIC HEARING**

Please take notice that the Chevy Chase Village Board of Managers will hold a public hearing on the 18th day of March, 2013 at 7:30 p.m. The hearing will be held at the Chevy Chase Village Hall at 5906 Connecticut Avenue in Chevy Chase, Maryland.

**APPEAL NUMBER A-6286-Revised
MR. & MRS. JEFFREY BLACK
4 QUINCY STREET
CHEVY CHASE, MARYLAND 20815**

The applicants seek a variance from the Board of Managers pursuant to Section 8-11 of the Chevy Chase Village Building Code to construct a swimming pool that would encroach **eight** feet, six inches (8'-6") into the fifteen (15) foot rear (south) yard setback.

The Chevy Chase Village Code § 8-24 (b)(1) states:

No swimming pool shall be placed within fifteen (15) feet of any side or rear lot line. Such measurement shall be made from the inside wall of the swimming pool.

Additional information regarding this appeal may be obtained at the Chevy Chase Village Office between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday, may be viewed on the Village website at www.chevychasevillagemd.gov or you may contact the office for this information to be mailed to you.


This notice was mailed to abutting and confronting property owners on the 12th day of March, 2013.

**Chevy Chase Village Office
5906 Connecticut Avenue
Chevy Chase, Maryland 20815
301-654-7300**

MAILING LIST FOR APPEAL A-6286

**MR. & MRS. JEFFREY BLACK
4 QUINCY STREET
CHEVY CHASE, MD 20815**

Adjoining and confronting property owners	
Mr. & Mrs. B. Francis Saul Or Current Resident 1 Quincy Street Chevy Chase, MD 20815	Ms. Mimi Burke & Mr. Thomas Jarrett Or Current Resident 3 Quincy Street Chevy Chase, MD 20815
Ms. Nancy B. Stone & Mr. Chuck Miller Or Current Resident 2 Quincy Street Chevy Chase, MD 20815	Mr. & Mrs. Patrick M. Regan Or Current Resident 6 Quincy Street Chevy Chase, MD 20815
Ms. Jeanne Ruesch Or Current Resident 1 Primrose Street Chevy Chase, MD 20815	Mr. William Curtin Or Current Resident 3 Primrose Street Chevy Chase, MD 20815
Mr. & Mrs. Alan B. Geller Or Current Resident 5 Primrose Street Chevy Chase, MD 20815	Mr. & Mrs. Richard D. Kline Or Current Resident 7 Primrose Street Chevy Chase, MD 20815


I hereby certify that a public notice was mailed to the aforementioned property owners on the 7th day of March, 2013.

**Ellen Sands
Permitting and Code Enforcement Coordinator
Chevy Chase Village
5906 Connecticut Avenue
Chevy Chase, MD 20815**

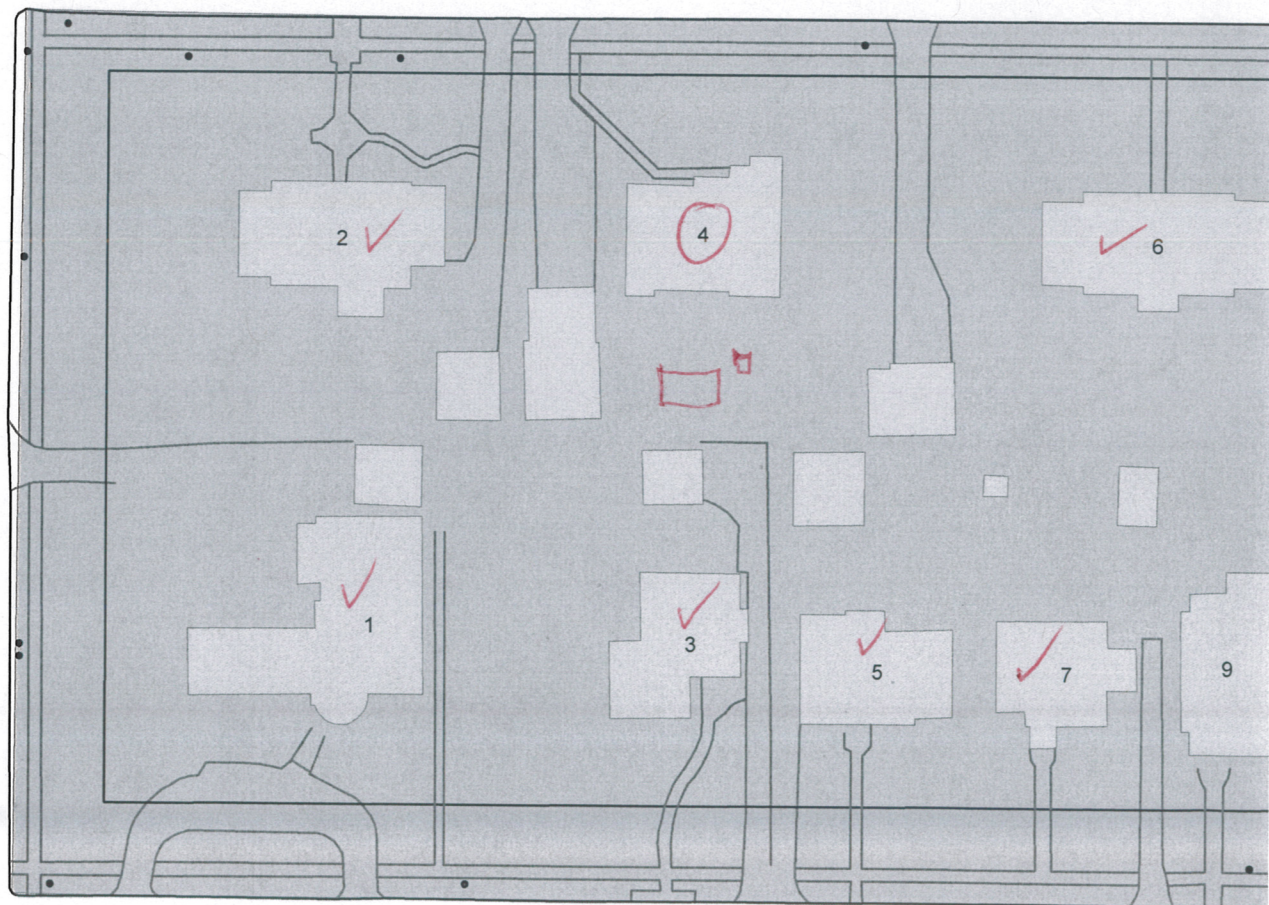
MAILING LIST FOR APPEAL A-6286-REVISED

**MR. & MRS. JEFFREY BLACK
4 QUINCY STREET
CHEVY CHASE, MD 20815**

Adjoining and confronting property owners	
Mr. & Mrs. B. Francis Saul Or Current Resident 1 Quincy Street Chevy Chase, MD 20815	Ms. Mimi Burke & Mr. Thomas Jarrett Or Current Resident 3 Quincy Street Chevy Chase, MD 20815
Ms. Nancy B. Stone & Mr. Chuck Miller Or Current Resident 2 Quincy Street Chevy Chase, MD 20815	Mr. & Mrs. Patrick M. Regan Or Current Resident 6 Quincy Street Chevy Chase, MD 20815
Ms. Jeanne Ruesch Or Current Resident 1 Primrose Street Chevy Chase, MD 20815	Mr. William Curtin Or Current Resident 3 Primrose Street Chevy Chase, MD 20815
Mr. & Mrs. Alan B. Geller Or Current Resident 5 Primrose Street Chevy Chase, MD 20815	Mr. & Mrs. Richard D. Kline Or Current Resident 7 Primrose Street Chevy Chase, MD 20815

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I hereby certify that a public notice was mailed to the aforementioned property owners on the 12th day of March, 2013.

**Ellen Sands
Permitting and Code Enforcement Coordinator
Chevy Chase Village
5906 Connecticut Avenue
Chevy Chase, MD 20815**





March 7, 2013

Mr. & Mrs. Jeffrey Black
4 Quincy Street
Chevy Chase, MD 20815

Dear Mr. & Mrs. Black:

Please note that your request for a variance to construct a swimming pool at your property is scheduled before the Board of Managers on Monday, March 18, 2013 at 7:30 p.m.

Either you or another representative must be in attendance to present your case. At that time, additional documents may be introduced and testimony can be provided in support of the request.

For your convenience, enclosed please find copies of the Public Hearing Notice and mailing list. Please contact the Village office in advance if you are unable to attend.

Sincerely,

Ellen Sands
Permitting and Code Enforcement
Chevy Chase Village

Enclosures

Chevy Chase Village Building Permit Application

Permit No: A-6286

Property Address: <u>4 Quincy Street Chevy Chase, Md 20815</u>	
Resident Name: <u>Barbara Black</u>	
Daytime telephone: <u>301-656-0566</u>	Cell phone: <u>240-286-3474</u>
After-hours telephone: " " "	
E-mail: <u>wecookforyou@msn.com</u>	
Project Description: <u>Backyard Pool Installation and Landscape</u>	
<input type="checkbox"/> Check here if the construction will require the demolition of over fifty (50) percent of any existing structure.	
Primary Contact for Project: <input checked="" type="checkbox"/> Resident <input type="checkbox"/> Architect <input type="checkbox"/> Project Manager <input type="checkbox"/> Contractor* *MHIC/MD Contractor's License No. (required):	
Information for Primary Contact for Project (if different from property owner): Name: Work telephone: After-hours telephone: Cell phone: <u>Same as above</u> E-mail:	
Will the residence be occupied during the construction project? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, provide contact information for the party responsible for the construction site (if different from above): Name: Address: Work telephone: After-hours telephone: Cell phone: E-mail:	
Parking Compliance: Is adequate on-site parking available for the construction crews? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, please attach a parking plan which minimizes inconvenience to neighboring residents, and indicate if the property is in a permit parking area. Will road closings be required due to deliveries, equipment or other reasons? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

Building Permit Filing Requirements:
Application will not be reviewed until the application is complete

- ☐ Copy of stamped drawings approved by Montgomery County Department of Permitting Services (DPS) and the Historic Preservation Commission (HPC), if required. Every page of drawings must be clearly stamped.
- ☐ This application form, signed by resident.
- ☐ Boundary Survey
- ☐ Site Plan (see: Village Site Plan Checklist to ensure completeness)
- ☐ Building plans and specifications
- ☐ Tree Preservation Plan requested of Village arborist (see: Village Tree Inspection Request form). All required tree protections must be fully installed before any work begins.
- ☐ Filing Fee (due at time of application). Fees schedule is listed in Chapter 6 of the Village Code.
- ☐ Damage deposit or performance bond (due when Building Permit is issued). Amount of required deposit or bond will be set by Village Manager.

Once this permit application is complete, the Village Manager will review the application and accompanying documents and, under most circumstances, act on the application within 5 to 10 working days.

If the Montgomery County permit is suspended, revoked or lapsed, the Village permit is automatically suspended, revoked or lapsed.

No signs advertising the architect, contractor, or any other service provider may be posted on the work site.

I hereby certify that I have the authority to make the foregoing application, that the application is correct, that I have read and understood all requirements and that the construction will conform to the regulations of the Montgomery County Zoning Code, the Village Code including Urban Forest code, and any covenants and easements on the subject property.

Applicant's Signature: Barbara Block **Date:** 2/19/13

To be completed by Village staff:

Is this property within the historic district? Yes ☒ No ☐ Staff Initials: 26
Date application filed with Village: 2/25/13 Date permit issued: _____ Expiration date: _____

For Use By Village Manager	Application approved with the following conditions:
For Use By Village Manager <div style="border: 2px solid black; padding: 10px; text-align: center;"> DENIED FEB 25 2013 Chevy Chase Village Manager </div>	Application denied for the following reasons:

Filing Fees (due when application submitted)	Checks Payable to: Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815
Permit Application Fee: \$ <u>750.00</u> (see Permit Fee Worksheet) <input type="checkbox"/> \$50.00 (if construction is in the Public Right-of-way)	
Tree Preservation Plan Fee: <input type="checkbox"/> \$250.00 <i>(if approved)</i> <input type="checkbox"/> Not required for this project.	
TOTAL Fees: <u>\$750.00</u>	Date: <u>2/27/13</u> Staff Signature: <i>[Signature]</i>
Damage Deposit/Performance Bond (due when permit is issued)	Checks Payable to: Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815
<input type="checkbox"/> \$ _____ <input type="checkbox"/> Waived by Village Manager	Date: Village Manager Signature:
Cost of damage to R-O-W: (calculated at close-out) Amount of refund:	Date: Village Manager Signature:

Chevy Chase Village

Application for a Variance

A variance is permission granted to a landowner to depart from the specific requirements of the Village zoning ordinance and allows a landowner to use land differently than specified in the ordinance. The variance is a written authorization from the Board of Managers permitting construction in a manner not otherwise allowed by the Village Code.

Subject Property: 4 Quincey Street Chevy Chase Md 20815	
Describe the Proposed Project: Backyard pool installation and landscape	
Applicant Name(s) (List all property owners): Barbara & Jeff Black	
Daytime telephone: 301-656-0566	Cell: 240-286-3474
E-mail: wecookforyou@msn.com	
Address (if different from property address): _____	
For Village staff use:	
Date this form received: 2/25/13	Variance No: A-6286

Filing Requirements:

Application will not be accepted or reviewed until the application is complete

- ☐ Completed Chevy Chase Village Application for a Variance (this form)
- ☐ Completed Chevy Chase Village Building Permit Application
- ☐ A boundary survey or plat diagram with a margin of error of one tenth of a foot or less showing all existing structures, projections and impervious surfaces.
- ☐ Surveys, plats, engineering reports, construction plans/specifications or other accurate drawings showing boundaries, dimensions, and area of the property, as well as the location and dimensions of all structures/fences/walls/etc., existing and proposed to be erected, and the distances of such structures/fences/walls/etc., from the nearest property lines. These drawings shall incorporate and display reference dimensions from the boundary survey or plat diagram required above.
- ☐ Copy of Covenants applicable to the property except for variances from Sections 8-22, 8-26 or Article IV of Chapter 8 of the Chevy Chase Village Code.
- ☐ Variance fee (See fee schedule listed in Chapter 6 of the Village Code).

Affidavit

I hereby certify that I have the authority to submit the foregoing application, that all owners of the property have signed below, that I have read and understand all requirements and that I or an authorized representative will appear at the scheduled public hearing in this matter. I hereby authorize the Village Manager, or the Manager's designee, and/or the Board of Managers to enter onto the subject property for the purposes of assessing the site in relation to this variance request. I hereby declare and affirm, under penalty of perjury, that all matters and facts set forth in the foregoing application are true and correct to the best of my knowledge, information and belief.

Applicant's Signature: Barbara Black

Date: 2/20/2013

Applicant's Signature: Jeff Black

Date: 2/20/13

Describe the basis for the variance request (attach additional pages as needed).

Describe the special conditions of the property (e.g., odd shape, small size, sloping topography, abuts state highway, etc.) and how the property compares to other properties in the Village:

SMALL LOT SIZE RESTRICTS DEVELOPMENT OF A SWIMMING POOL.

Describe how enforcement of the building regulations would result in an unwarranted hardship and injustice because of the special condition(s) described above (i.e., describe (i) the unwarranted hardship and injustice that you claim exists and (ii) how the special conditions cause that unwarranted hardship and injustice):

THERE IS NO OTHER ALTERNATE LOCATION FOR THE SWIMMING POOL ON THE PROPERTY. A SWIMMING POOL WOULD DRASTICALLY IMPROVE OUR WAY OF LIFE.

Describe how the proposed variance most nearly accomplishes the intent and purpose of the requirements of Chapter 8 of the Chevy Chase Village Code, entitled *Buildings and Building Regulations*:

PROPOSED DEVELOPMENT WILL NOT BLOCK AIR CIRCULATION, ADVERSELY CHANGE THE CHARACTER OF THE SITE OR CREATE UNSAFE CONDITIONS.

In exercising its powers in connection with a variance request, the Chevy Chase Village Board of Managers may reverse or affirm, wholly or partly, or may modify the requirement, decision or determination as it deems appropriate.

Variance Filing Fee <i>Per Village Code Sec. 6-2(a)(24):</i> <input checked="" type="checkbox"/> \$300.00 for new construction. <input type="checkbox"/> \$150.00 for replacing existing non-conformities. <input type="checkbox"/> \$300.00 for fences, walls, play equipment, trees, hedges, shrubbery in the public right-of-way. <input type="checkbox"/> Other: \$ _____ Fee Paid: <u>\$300.00</u>	Checks Payable To: Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815 Date Paid: <u>2/25/13</u> Staff Signature: <u>[Signature]</u>
	Approved to Issue Building Permit per Board Decision Signed by the Board Secretary on: Date: _____ Signature: _____ Village Manager



JEANNE WEAVER RUESCH

March 13, 2013

To: Chevy Chase Village Office

From: Jeanne Ruesch
One Primrose Street

Subject: Appeal Number A-6286
4 Quincy Street

This is in response to the notice of March 7, regarding the request for a variance of the Chevy Chase Building Code for Mrs. and Mrs. Jeffrey Black at 4 Quincy Street for the construction of a swimming pool in the rear yard.

This note is to express some concern about any possible safety issues related to the elevation of the Quincy street back garden and pool, relative to the properties on Primrose. If the Board is considering a variance, I would urge them to obtain assurances that there are adequate safeguards to protect the Primrose properties from significant water flowing down grade either from additional hard surfaces on the property or a breach in the pool itself. I am assuming, if approved, the pool equipment would be required to have noise mitigation measures.

ONE PRIMROSE STREET • CHEVY CHASE, MARYLAND 20815

See attached file(s)

William J. Curtin, III
3 Primrose Street
Chevy Chase, Maryland 20815
(240) 483-0033

March 14, 2013

Chevy Chase Village Board of Managers
Chevy Chase Village Office
5906 Connecticut Avenue
Chevy Chase, Maryland 20815

Dear Board of Managers:

Thank you for informing me by notice, received on March 11th, that my neighbors, Jeff and Barbara Black, are requesting a variance to construct a swimming pool that would encroach eight and a half feet into the rear (southern) setback of their property and approach six and a half feet from the property line. The variance request raises some questions and presents some concerns for me, as a contiguous neighbor.

Because of the proximity to my property line, I think it's important that everyone be confident that, particularly during the excavation and pool construction phases, there wouldn't be consequential harm to the retaining wall, fence and landscaping that I reinforced and constructed and that separates 3 Primrose from 4 Quincy.

Also, 4 Quincy Street seems to be on a higher elevation than the residences on Primrose Street. Historically, there have been water run-off issues from 4 Quincy onto 3 Primrose. The storm water run-off issues were not helped by a hole that was drilled (by whom, none of us knows) into the wall that divided the 4 Quincy and 3 Primrose lots; I believe Jeff and Barbara have since mitigated the run-off situation by establishing underground repository wells in their backyard, but I'm not sure of this. The elevation differential and storm water run-off concern nevertheless remains, especially in view of the proposal in the variance request to increase the hardscaping surface area in the backyard of 4 Quincy. It would be important to confirm that the run-off issues would be prevented from re-emerging.

From the variance request, it looks as though the pool operating equipment would be seven feet from the property line, so we should understand whether any noise-mitigating measures would be implemented in order to maintain a reasonable level of privacy between residences.

I recognize the importance of allowing neighbors, especially nice neighbors, to enjoy the use of their real property within reasonable parameters. Yesterday evening, I called and left a phone message for Jeff and Barbara so that I could ask express some of my concerns, and understand their plans and intentions.

Sincerely,


William J. Curtin III

CCV Permitting

From: Sondra Geller [sgeller5@verizon.net]
Sent: Wednesday, March 13, 2013 10:30 PM
To: CCV Permitting
Subject: Ellen Sands re: Black set back variance

Dear Ms. Sands,

We are neighbors to the south of #4 Quincy at # 5 Primrose Street. We are sending this letter to express our concern about the construction of a swimming pool so close to the property line. The Quincy St property is substantially elevated above and to the left of our property and we are concerned about potential noise that may be generated from a pool so close to the property line.

We hope you will take our concerns under advisement.

Sincerely,
Sondra and Alan Geller
5 Primrose St
Chevy Chase, Md. 20815
301 654 4702

Examined
Mailed to
J. P. Fisher & Co.
Wash. D.C.
Nov. 16, 1908.

At the request of Reeve Lewis the following Deed was recorded October 21st A.D. 1908 at 10.53 o'clock A.M., to wit:

THIS INDENTURE, Made this tenth day of October A.D. 1908:

WITNESSETH, That The Chevy Chase Land Company, of Montgomery County, Maryland (a corporation duly organized under and by virtue of the laws of the State of Maryland, party hereto of the first part, for and in consideration of the sum of forty oge hundred and twenty five (4125) dollars, in current money of the United States, to it paid by Reeve Lewis, of the District of Columbia, party hereto of the second part, receipt of which, at the delivery hereof, is hereby acknowledged, doth grant and convey unto and to the use of the said Reeve Lewis, his heirs and assigns, the folloing described land and premises, with the easements and appurtenances thereto belonging, situate and lying in Montgomery County, State of Maryland, to wit:-

Part of lots numbered eleven (11), twelve (12) and thirteen (13) in Block numbered fifty eight (58) in Section Two (2) of the subdivision made by The Chevy Chase Land Company, of Montgomery County, Maryland, as per plat recorded in Liber J.A. No. 36, folio 61, of the Land Records of Montgomery County, Maryland, described by metes and bounds as follows, viz:

BEGINNING for the same in the south line of Quincy Street at a point distant forty five (45) feet West from the northeast corner of said lot numbered eleven (11) and running thence East along and with the said South line of Quincy Street one hundred and fifty feet; thence South at right angles to Quincy Street one hundred and twenty five (125) feet to the rear line of said lot numbered thirteen (13); thence West along and with the rear line of said lots numbered eleven (11), twelve (12) and thirteen (13) one hundred and fifty (150) feet; thence North one hundred and twenty five (125) feet to the place of beginning, containing eighteen thousand, seven hundred and fifty (18750) square feet of land, together with the buildings and improvements thereon, and the rights, roads, ways, waters, privileges appurtenances and advantages thereto belonging or in anywise appertaining.

To Have and To Hold the said land and premises, with the easements and appurtenances, unto and to the use of the said Reeve Lewis, party of the second part, his heirs and assigns forever.

In Consideration of the execution of this deed, the said party of the second part, for himself and for his heirs and assigns, hereby covenants and agrees with the said party of the first part, its successors and assigns (such covenants and agreements to run with the land and to be for the mutual benefit of all portions of the Section of the subdivision of which the land hereby conveyed forms a part) as follows:

1. All houses upon the premises hereby conveyed shall be built and used for residence purposes exclusively, except stables, carriage houses, sheds or other out-buildings, for use in connection with such residences, and no trade, business, manufacture or sales or nuisance of any kind shall be carried on or permitted upon said premises.

2. That no structure of any description shall be erected within twenty five (25) feet of the front line of said premises; and no stable shall be erected except on the

rear of said
 or parkway

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rear of said premises, in the case of corner lots any line bordering upon any street, avenue, or parkway shall be considered a front line.

3. That no house shall be erected on said premises at a cost less than three thousand (3000) dollars.

4. That any house erected on said premises shall be designed for the occupancy of a single family, and no part of any house or of any structure appurtenant thereto shall be erected or maintained within five (5) feet of the side lines of lot hereby conveyed, nor within ten (10) feet of the nearest adjacent house, except that houses in pairs may be erected on said lot, the outer walls of such double houses to be not less than five (5) feet from side lines of said lot.

5. That a violation of any of these covenants and agreements may be enjoined and the same enforced at the suit of "The Chevy Chase Land Company, of Montgomery County, Maryland" its successors and assigns (assigns including any person deriving title mediately or immediately to any lot or square, part of a lot or square, of said Section two from said Company.

And the said party of the first part hereby covenants that it will warrant specially the property hereby conveyed and will execute such further assurances of said land as may be requisite.

And the said party of the first part hereby constitutes and appoints Harold E. Doyle, its true and lawful attorney, irrevocable, for it and in its name, place and stead, to acknowledge these presents as its act and deed before any person or officer duly authorized to take such acknowledgment.

In Testimony whereof, on the day and year first hereinbefore written The Chevy Chase Land Company, of Montgomery County, Maryland, has caused these presents to be signed with its corporate name by Edward J. Stallwagen, its Vice President, attested by Herbert Claude, its Secretary, and its corporate seal to be hereunto affixed.

Attest

Herbert Claude

Secretary.

The Chevy
Chase Land Co. of
Montgomery Co.
Maryland.

THE CHEVY CHASE LAND COMPANY, OF MONT-
GOMERY COUNTY, MARYLAND, By,
Edward J. Stallwagen
Vice-President.

District of Columbia, to wit:-

I hereby certify that on this tenth day of October A.D. 1908, before the subscriber, a Notary Public in and for the District of Columbia, personally appeared Harold E. Doyle, attorney in fact for The Chevy Chase Land Company, of Montgomery County, Maryland, and acknowledged the foregoing deed to be the act of the said Company.

In testimony whereof, I have hereunto affixed my official seal
this tenth day of October A.D. 1908.

Albert W. Sioussa
Notary Public
District of Columbia
Commission expires
May 27, 1913.

Albert W. Sioussa

Notary Public, D.C.